

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:20-CV-175-BO

VICTORIA M. SECHRIST, on behalf of)
V.S., a minor child,)
Plaintiff,)
v.)
SOCIAL SECURITY ADMINISTRATION,)
Defendant.)

ORDER

This matter is before the Court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Kimberly A. Swank, pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b). [DE 6]. For the following reasons, the Court adopts the M&R.

BACKGROUND

On November 10, 2020, Magistrate Judge Swank entered an M&R recommending that the Court issue an order requiring plaintiff to show cause, if any, why she should not be removed from the case and a guardian ad litem appointed to represent the interests of the minor child in this matter. Magistrate Judge Swank further recommended that, in the event the Court finds either that plaintiff does not meet the standard described in 20 C.F.R. § 416.1505 or that other reasons exist for plaintiff’s removal, that the Court appoint a guardian ad litem to protect the interests of the minor pursuant to Fed. R. Civ. P. 17(c)(2). *Id.* No objections to the M&R were filed within the time allowed.

DISCUSSION

“The Federal Magistrates Act requires a district court to make a *de novo* determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416


F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. 636(b). Absent timely objection, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (quotation omitted).

Here, despite being warned as to the consequences, plaintiff made no objection to the M&R. Having considered the M&R and record, the Court is satisfied that there is no clear error on the face of the record and accepts the Magistrate Judge’s recommendation.

CONCLUSION

For the foregoing reasons, the Court ADOPTS Judge Swank’s M&R in its entirety. [DE 6]. Accordingly, plaintiff is ORDERED to show cause, if any, why she should not be removed from the case and a guardian ad litem appointed to represent the interests of the minor child in this matter. Plaintiff shall have until February 1, 2021 to file such notice with the Court.

SO ORDERED, this 8 day of January, 2021.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE